

Message Text

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ACTION DLOS-07

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FEA-02 ACDA-19 AEC-11 DOTE-00 FMC-04 INT-08 JUSE-00

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AMEMBASSY ADDIS ABABA

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AMEMBASSY KHARTOUM

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SUMMARY: AMBASSADOR MET MAY 28 WITH FONOFF MEMBER SAUDI
LOS DELEGATION. SAUDI POSITIONS STILL BEING DEVELOPED. THERE
STRONG SUPPORT WITHIN DELEGATION FOR FREEDOM OF NAVIGATION IN
STRAITS. SAUDI POSITION ON FISHERIES AND SEABED RESOURCES
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WILL BE INFLUENCED BY GEOGRAPHY; IN BOTH CASES A 50-MILE

EXCLUSIVE RESOURCE AREA BEYOND 12-MILE TERRITORIAL WATERS WOULD BRING SAUDI CONTROL TO ABOUT THE MEDIAN LINE IN GULF AND RED SEA. PREVIOUSLY SCHEDULED MEETING OF ARAB LOS DELEGATIONS WILL NOW TAKE PLACE, IF AT ALL, IN CARACAS. RECOMMEND U.S. DELEGATION TO CARACAS ESTABLISH EARLY CONTACT WITH SAUDI DELEGATION. END SUMMARY.

1. AMBASSADOR MET MAY 28 WITH MOHAMMED MADANI, FOREIGN MINISTRY LEGAL ADVISOR AND MEMBER SAUDI DELEGATION TO CARACAS LOS CONFERENCE. MADANI SAID SAUDI DELEGATION FAR FROM ARRIVING AT UNIFIED POSITIONS ON MANY LOS ISSUES (REF B). THERE ARE REPRESENTATIVES OF SEVEN MINISTRIES ON THE 9-MAN DELEGATION, SOME OF WHOM HAVE NO PREVIOUS EXPERIENCE IN LOS MATTERS. HOWEVER, ALL ARE INTENT UPON EXPRESSING THEIR VIEWS. HE NOTED SOMEWHAT WISTFULLY THAT AT PREVIOUS INTERNATIONAL CONFERENCES ON LOS MATTERS SAG WAS REPRESENTED ONLY BY FOREIGN MINISTRY OFFICIALS. MOST IMPORTANT DELEGATION MEMBERS ARE FROM FONMIN, MINPETROLEUM, MINCOMMUNICATIONS AND MINDEF.

2. SAUDI DELEGATION WILL BEGIN NEW SERIES MEETINGS JUNE 1 IN RIYADH AND PROBABLY CONTINUE MEETING ON AND OFF UNTIL SCHEDULED DEPARTURE FOR CARACAS JUNE 9. MADANI IMPLIED THAT PROBLEMS HAD ARISEN IN CONNECTION WITH MEETING OF ARAB DELEGATIONS PREVIOUSLY SCHEDULED FOR JUNE 10 AND SAID THAT IF ARAB DELEGATIONS DO CAUCUS BEFORE OPENING OF CARACAS LOS CONFERENCE THEY WILL DO IT IN CARACAS.

3. MADANI DESCRIBED TERRITORIAL WATERS AND STRAITS ISSUES AS OF PARTICULAR IMPORTANCE TO SAUDI ARABIA. TRADITIONAL SAUDI POSITION HAS BEEN TO FAVOR FREEDOM OF NAVIGATION IN PASSAGES CONNECTING HIGH SEAS. INNOCENT PASSAGE HE DESCRIBED AS "TOO SUBJECTIVE". SINCE INNOCENT PASSAGE HAS A CUSTOMARY MEANING IN INTERNATIONAL LAW, ATTEMPTING TO DEFINE IT AS A MEANS OF SAFEGUARDING INTERNATIONAL NAVIGATION IN STRAITS WOULD BE UNLIKELY TO SUCCEED. ANY LIMITATION ON PASSAGE THROUGH PRESENT INTERNATIONAL STRAITS SHOULD BE IN ACCORDANCE WITH INTERNATIONAL REGULATIONS. THE STARTING POINT FOR LIMITED OFFICIAL USE

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DISCUSSIONS ON SUCH A REGIME MADANI SAID SHOULD BE UNIMPEDED FREEDOM OF NAVIGATION AND NOT REPEAT NOT AN ATTEMPT TO DEFINE INNOCENT PASSAGE. (SAUDI LOS DELEGATION HEAD HAS EXPRESSED SIMILAR VIEWS. THIS LIKELY FORM BASIS OFFICIAL SAG POSITION).

4. MADANI SAID SAUDI ARABIA FAVORS 12-MILE TERRITORIAL WATERS. OF PARTICULAR INTEREST TO SAUDI ARABIA

IS THE BASE LINE FOR CALCULATING TERRITORIAL WATERS. MADANI BELIEVES THAT SAG POSITION WILL BE THAT ISLANDS SHOULD SERVE AS PART OF THE BASE LINE ONLY IF THEY ARE THEMSELVES WITHIN 12 NAUTICAL MILES OF A COUNTRY'S COAST. HE IS ASSUMING THIS WILL ALSO BE IRAN'S POSITION. IF NOT, SERIOUS PROBLEMS LIKELY ARISE WITH IRAN BECAUSE OF LOCATION TUNBS AND ABU MUSA ISLANDS.

5. RECENT SAUDI PROCLAMATION ON FISHERIES (REF C)
MADANI DESCRIBED AS A DIRECT RESULT OF PREVIOUS IRANIAN DECREE. HE SAID THAT EFFECT OF IRANIAN ACTION HAD BEEN TO PUSH ALL OF THE NON-IRANIAN FISHING ACTIVITY IN THE GULF TO THE SAUDI SIDE. HE CONFIRMED THAT SAG EXPECTS SUDAN, EGYPT, ETHIOPIA AND FRANCE (ON BEHLF AFARS AND ISAS) TO TAKE SIMILAR ACTION IN RED SEA.

6. MADANI SAID THAT SAG POSITION ON BOTH FISHERIES AND PERHAPS ALSO SEABED RESOURCES AT CONFERENCE WOULD BE INFLUENCED BY SAG'S GEOGRAPHY. FOR ALL PRACTICAL PURPOSES, A 50-MILE EXCLUSIVE RESOURCE ZONE ADDED TO 12-MILE TERRITORIAL SEA WOULD MEAN EXCLUSIVE SAUDI CONTROL UP TO A MEDIAN LINE IN BOTH THE RED SEA AND PERSIAN GULF. SAUDI ARABIA WOULD NOT THEREFORE BE INCLINED TO SUPPORT AT CARACAS THE MORE EXTREME DEMANDS EITHER FOR TERRITORIAL WATERS OR EXCLUSIVE RESOURCE ZONES. MADANI WAS UNAWARE OF DETAILS OF AGREEMENT WITH SUDAN ON EXPLORATION SEABED RESOURCES IN RED SEA. (REF D).

7. POLLUTION IS OF CONSIDERABLE INTEREST ALSO. SAUDI ARABIA IS BORDERED BY TWO ECOLOGICALLY FRAGILE BODIES OF WATER, BUT EVEN MORE IMPORTANTLY THE KINGDOM'S INCOME IS DEPENDENT UPON THE TRANSPORT BY SEA
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OF PETROLEUM. MADANI EXPRESSED INTEREST IN AN INTERNATIONAL REGIME APPLYING UNIFORM STANDARDS FOR CONTROL OF POLLUTION ON THE SEAS.

8. COMMENT AND RECOMMENDATION: TO THIS POINT SAUDI VIEWS ON MOST IMPORTANT LOS ISSUES APPEAR TO BE DEVELOPING IN A MANNER CLOSE TO US POSITIONS. IT LIKELY THAT SAUDI DELEGATION WILL RESOLVE ITS DIFFERENCES AND DEPART FOR CARACAS WITH UNIFIED POSITIONS ON ALL QUESTIONS OF INTEREST TO SAUDI ARABIA, BUT DELEGATION WILL PROBABLY MAINTAIN A CONSIDERABLE DEGREE OF FLEXIBILITY ON SOME ISSUES, PARTICULARLY SINCE MUCH OF THE SAG'S EXPERTISE IN LOS MATTERS WILL BE AT CARACAS IN THE DELEGATION. WE WILL KEEP IN CONTACT WITH SAUDI DELEGATION MEMBERS UNTIL THEIR DEPARTURE, BUT

RECOMMEND THAT US DELEGATION AT CARACAS ESTABLISH
CONTACT WITH SAUDI DELEGATION AS SOON AFTER ITS ARRIVAL
AS POSSIBLE. THREE OF KEY DELEGATION MEMBERS (MADANI, SAKKA
OF MINPET, AND SHUHAIL FROM MINCOMMUNICATIONS AND
DELEGATION CHIEF) HAVE HAD VARYING AMOUNTS OF THEIR
EDUCATION IN THE US, ARE FRIENDLY TO THE US, AND
WOULD PROBABLY BE APPRECIATIVE OF ATTENTION FROM
THEIR US COLLEAGUES--THE HIGHER LEVEL THE BETTER. SAUDI
DELEGATION WILL PROBABLY ARRIVE IN CARACAS ABOUT JUNE 15.
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